

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO2015-13032

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

FILED

JUL 23 2015

VS.

MALISE PRIETO - CLERK
DeputyS/CONNIE GENNARO

MARILYN R. THONN AND JACOB H. THONN

PETITION FOR DECLARATORY JUDGMENT AND FOR JUDGMENT TO RECOVER HAZARD MITIGATION GRANT PROGRAM FUNDS

NOW INTO COURT, through undersigned counsel, comes Petitioner, the State of Louisiana, Office of Community Development, Disaster Recovery Unit - Hazard Mitigation Grant Program (hereinafter "HMGP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds. In support, HMGP respectfully represents:

1.

The Defendants in this case are Marilyn R. Thonn and Jacob H. Thonn, majors domiciled in St. Tammany Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrura and Rita. It also helps homeowners in coastal Louisiana protect their homes from damage, which may occur in future natural disasters, by elevating their homes, reconstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendants executed a Voluntary Participation Agreement (hereinafter "VPA") on July 21, 2010 to participate in HMGP and to receive an HMGP grant. Defendants also agreed to

comply with all HMGP guidelines, which includes using HMGP funds for their intended purpose. Exhibit A.

4.

FEMA Grant Funds in the amount \$7,500.00 (hereinafter "FEMA Grant Funds") were paid to Defendants by HMGP on or about September 21, 2010 for the specific purpose of Individual Mitigation Measures (hereinafter "IMM") at their home located at 122 Royal Oak Drive, Slidell, LA 70460. *Exhibit B*.

5.

Photographs dated March 31, 2015 show that although the FEMA Grant Funds were received, Defendants' home was not mitigated. *Exhibit C (in globo)*.

6.

Three (3) separate collection letters were mailed to Defendants at 122 Royal Oak Drive, Slidell, LA 70460, which was the address submitted by them when they applied for the HMGP grant. The first letter dated July 9, 2012 was sent by Certified Mail 7011 2000 0002 6929 8117 and informed Defendants that the FEMA Grant Funds in the amount of \$7,500.00 had to be returned to the State of Louisiana. The Return Receipt was signed by Defendant on July 19, 2012. *Exhibit D (in globo)*.

7.

The second letter dated August 17, 2012 was mailed to Defendants. *Exhibit E (in globo)*. 8.

The third letter dated April 13, 2015 was sent by Certified Mail 7014 0510 0001 1417 1560. The Return Receipt was signed by Defendant on April 14, 2015. *Exhibit F (in globo)*.

9.

Defendants have failed to respond to the letters and have failed to return the funds to the State.

10.

Defendants' failure to return the FEMA Grant Funds has resulted in Defendants owing to HMGP the FEMA Grant Funds, which must be recovered by HMGP, the State program charged with distributing FEMA funds for mitigation projects.

HMGP must account to FEMA for all funds issued to homeowners. Failure of HMGP to recover the FEMA Grant Funds from Defendants will result in reimbursement to FEMA being required by the State of Louisiana.

12.

HMGP requests that the debt of \$7,500.00, owed by Marilyn R. Thonn and Jacob H. Thonn to HMGP, be recognized and that judgment in favor of HMGP be granted, directing Defendants to return and pay the FEMA Grant Funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

- a. That this Honorable Court declare that Defendants, Marilyn R. Thonn and Jacob H. Thonn, are non-compliant with the Voluntary Participation Agreement signed by them;
- b. That this Honorable Court declare that Defendants, Marilyn R. Thonn and Jacob H. Thonn, are indebted to HMGP in the amount of \$7,500.00 because of their failure to mitigate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;
- c. That Defendants, Marilyn R. Thonn and Jacob H. Thonn, be ordered to return the \$7,500.00 HMGP grant to HMGP, in full;
- d. That there be judgment rendered herein in favor of HMGP and against Defendants, Marilyn R. Thonn and Jacob H. Thonn, in the full sum of \$7,500.00;
- e. That Defendants, Marilyn R. Thonn and Jacob H. Thonn, be assessed all costs and fees associated with this matter; and
- f. That the Court grant such other relief as is just and proper.

PUBLIC ENTITY/FEE EXEMPT

(La.R.S. 13:4521 and 13:5112)

Respectfully submitted:

FOR HMGP

La Koshia R. Roberts Bar Roll No. 26715

State of Louisiana, through

its Division of Administration 2021 Lakeshore Drive, Suite 100

New Orleans, Louisiana 70122

Telephone: (504) 284-4022 Facsimile: (504) 284-4091 LaKoshia.Roberts@la.gov

T. Randolph Richardson (Special Counsel)

Bar Roll No. 11245

Law Office of T. Randolph Richardson 1010 Common Street, Suite 3000

New Orleans, LA 70112 Phone: 504-212-4163

Fax: 504-581-7083

Email: trichar994@aol.com

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Page 3 of 4



22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

 $2015-1303^{2}$

DIVISION:

FII FD

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

JUL 2 3 2015

VS.

MALISE PRIETO - CLERK
Deputy
S/CONNIE GENNARO

MARILYN R. THONN AND JACOB H. THONN

VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR RECOVERY OF HAZARD MITIGATION GRANT PROGRAM FUNDS:

I, CRAIG P. TAFFARO, JR., Director of the State of Louisiana's Hazard Mitigation Grant Program, declare under penalty of perjury that the representations made in the foregoing Petition are true and correct to the best of my knowledge, belief and understanding.

THUS DONE ON THIS 22 DAY OF

2015 IN NEW ORLEANS,

LOUISIANA.

Craig P. Taffero, Jr.

La Koshia Reconda Roberts

Notary Public Bar Roll No. 26715

My Commission expires at death.

PLEASE SERVE:

MARILYN R. THONN 122 ROYAL OAK DRIVE SLIDELL, LA 70460

JACOB H. THONN 122 ROYAL OAK DRIVE SLIDELL, LA 70460 OCD-DRU
HAZARD MITIGATION PROGRAM

VOLUNTARY PARTICIPATION AGREEMENT (VPA)

Complete and return this form by mail to:

OCD-DRU HMGP Program

P. O. Box 1089

Hammond, LA 70404-1089

JUL 2 3 20

ALISE PRIETO SICONNIE GE

Road Home # 06HH

198358

SECTION 1: Mitigation ELECTION (check one)

| I/We have sold the home that was damaged during the storm and therefore will not be participating in the OCD-DRU HMGP Award Program.

🗇 I/We am not interested in receiving an OCD-DRU HMGP Award

IF YOU CHECKED EITHER OF THE ABOVE: SIGN BELOW AND RETURN THIS FORM, OTHERWISE CONTINUE.

Applicant or Co-Applicant NAME Applicant or Co-Applicant SIGNATURE Date:

Applicant or Co-Applicant NAME Applicant or Co-applicant SIGNATURE

Ome Phone: (______) Cell Phone: (______)

Are you signing as an agent with Power of Attorney (POA) for an applicant? YES NO If signing as agent with Power of Attorney.

Agent NAME (person with POA) Agent SIGNATURE Date

/WE AM/ARE INTERESTED IN RECEIVING AN OCD-DRU HMGP AWARD. IF YOU CHECK THIS BOX, YOU NEED TO MEET ALL CRITERIA IN SECTION 2.

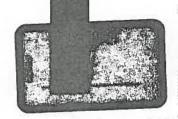
SECTION 2: PROGRAM ELIGIBILITY

A homeowner must meet ALL of the following criteria to be considered for the OCD-DRU HMGP Award:

- a. Applicant is eligible for Road Home Program benefits as part of the Homeowner Assistance Program. (NOTE: Even if a homeowner received a zero award letter from Road Home, that homeowner may still be eligible for money through the OCD-DRU HMGP.
- b. Homeowner selected Road Home Option 1 "Keep Our Home".
- c. Homeowner still owns the home that was eligible for Road Home benefits.
- d. The structure is located in a FEMA designated ABFE area or the mitigation activity is deemed cost beneficial according to FEMA guidelines. (IMMs are not required to undergo a cost benefit analysis since FEMA has determined all IMMs to be globally cost beneficial for this grant.
- e. Homeowner agrees to comply with all OCD-DRU HMGP guidelines.

Page 1 of 2

TAMMANY PARISH



SECTION 3: I AM INTERESTED IN PARTICIPATING	IN THE FOLLOWING PROGR	AM/S:	
Pllot Reconstruction Elev	vation Indivi	idual Mitigation Mea	sures (IMM)
SECTION 4: VPA STATEMENT OF COMPLIANCE	¢ 4		
This Agreement of Voluntary Participation is made following property, eligible for Road Home assist municipal address:	le on	(date). I/We)are ti ane Katrina and/or Ri	he owner of the ta at the following
122 Royal Oak Dr 6	Idell St. Tamma	ny 70460	_(the "Property").
Stylet City	Parish	ZIP	
I/We currently plan to participate in the OCD-DR HMGP Program and understand that:	U HMGP Program. I/We und	lerstand that participa	ation in OCD-DRU
 The program is voluntary in nature; I/We are under no obligation to participation. 	nate:		
// We may drop out of the program at an	-	ward:	
 The program reimburses cost of mitigat reimbursement from OCD-DRU's HMGP 	ion measures, homeowner m		es and request
Due to limited funding, IMM will be sen		erve" basis until all fur	nding is exhausted.
I/We understand that before cost will be requires the property owner to obtain and mai Conveyance Records in the parish where the p	intain flood insurance. The C	RU HMGP Covenant i DCD-DRU HMGP will	nust signed, which be recorded with
The barret which the barret which the b	operty is located.		i i
For Pliot Reconstruction Projects:			8
 Property owner has been notified that the total square footage of the original authorized. 	the reconstructed structure t structure on or before the da	otal square footage o ate of the event for w	annot exceed 10% of hich funding is
 Property owner has been notified that Property owner confirms that the inforthe information is understood. 	the maximum award amount mation described in the prec	t is \$100,000, less dup eding paragraphs has	olication of benefits. been explained and
1 Jaroh H. Thomas 1	Sacret A Store	N	Taile
Applicant of Co. Applicant Hame	Applicant of Chiapplicant SIGNATUR	RE	Date
Marillon Bones Thomas	TANNICO OF CO Applicant SIGNATUR	RE	7./21/10
			e .
Are you signing as an agent with Power of Attorney:	orney (POA) for an applicant?	YES NO If signi	ng as agent with Power
Agent NAME (person with POA)	Agent SIGNATURE		Pate
			Page 2 of 2

2015-13032F

LED

JUL 2 8 2015

MALISE PRIETO-CLERK Dept8/CONNIE GENNARO

2015 JUL 23 P 1: 18 Page 1 of 1

OSRAP Vendor Search

Payee Detail Payee Locations Payee Search

Sort the information below by Clicking on the column headers. Click on the agency numbe below for contact information.

Check/EFT Numbers AD 00003882442 Check/EFT Date: 09/21/2010 Status Change Dete: // Status Change Dete: //

Payee Remittance Address: 122 ROYAL OAK DR SLIDELL, LA 70460

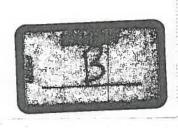
Chack/EFT Line Details: (click on agency for contact information)

Check/EFT Total: 7,500.00

Total Number of Unes : 1.
Agency Decument ID Ref Doc ID Invoice # Comments Line Amount

1515 Calendar (CY) Help Dadk GASS 34 and 35 Search OSRAP

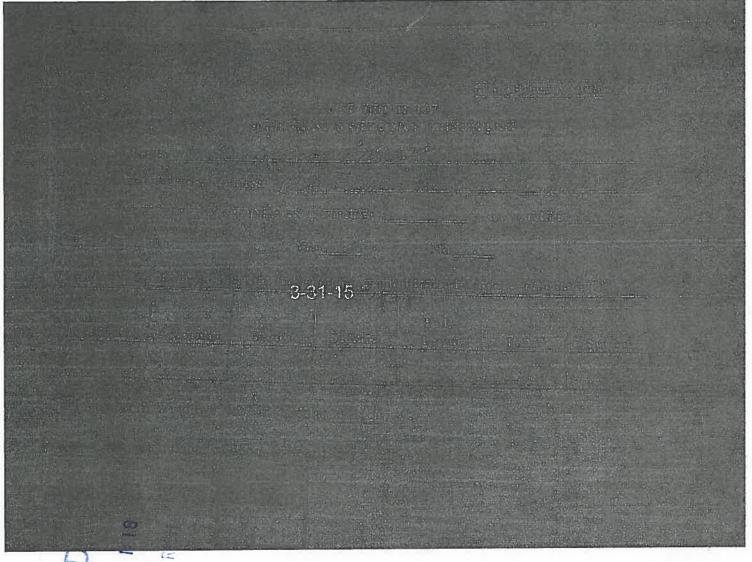
https://wwwprd.doa.louisiana.gov/vendsearch/dotall.cfn?cbcck_number=00003882442 9/21/2010



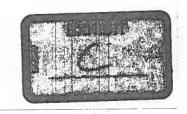
2015-13032

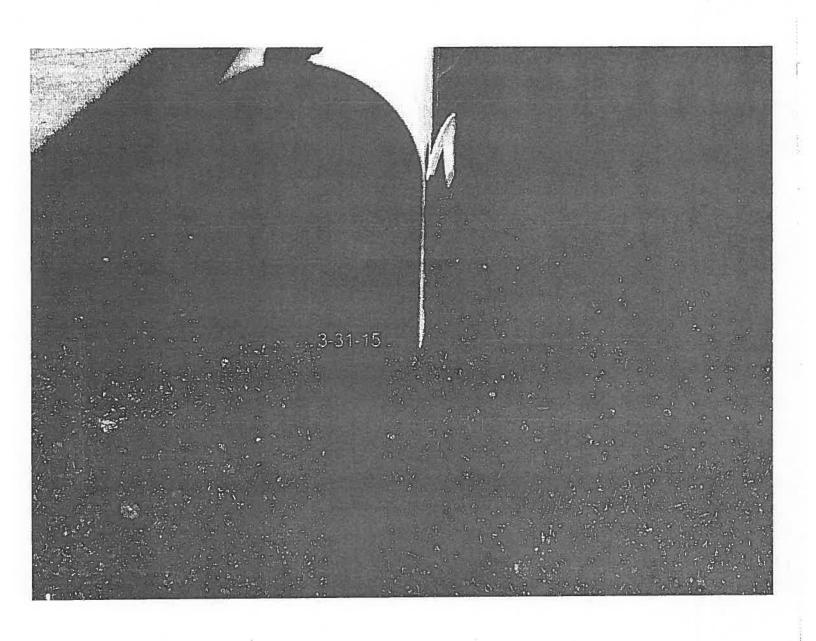
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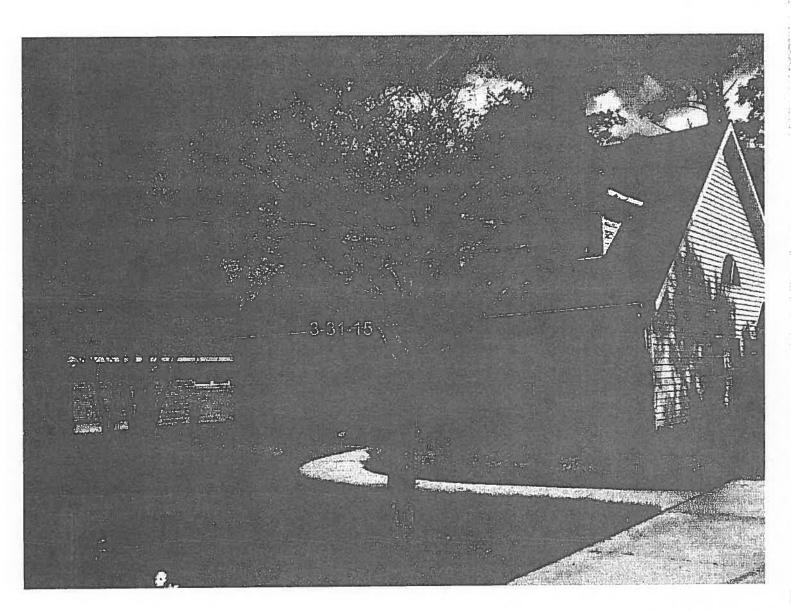
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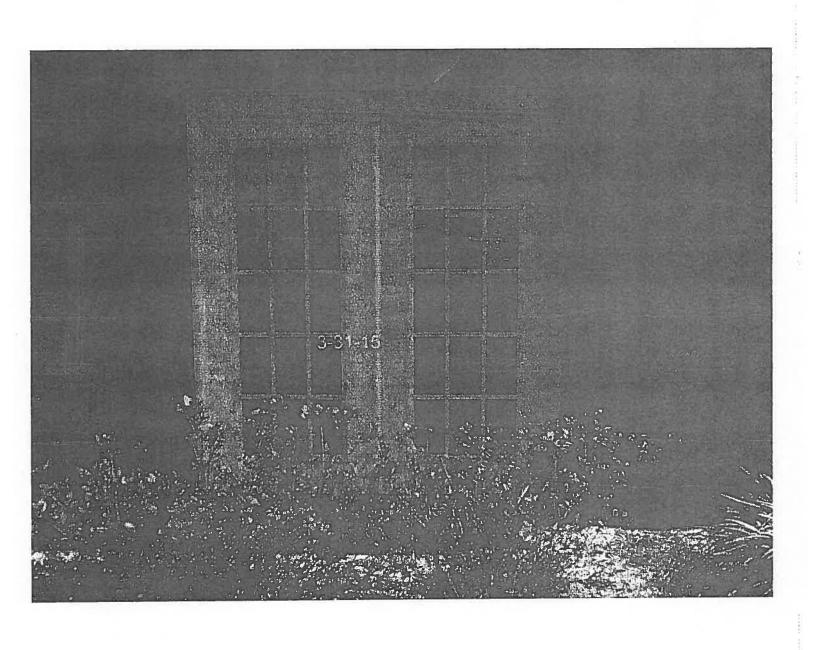
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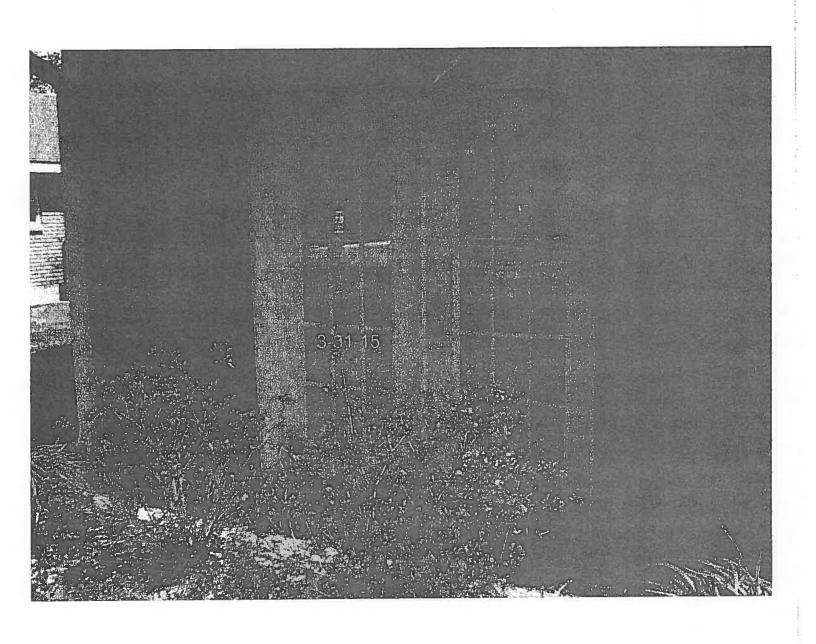


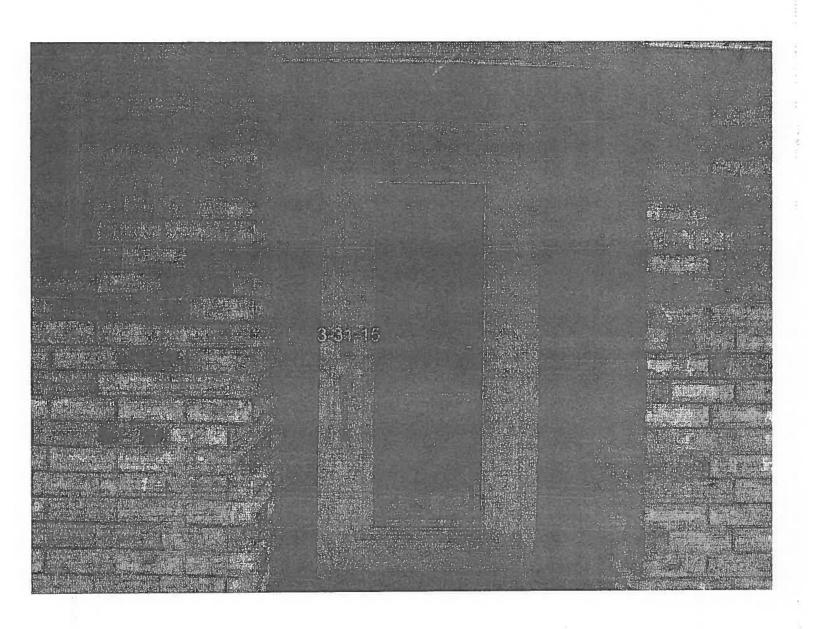


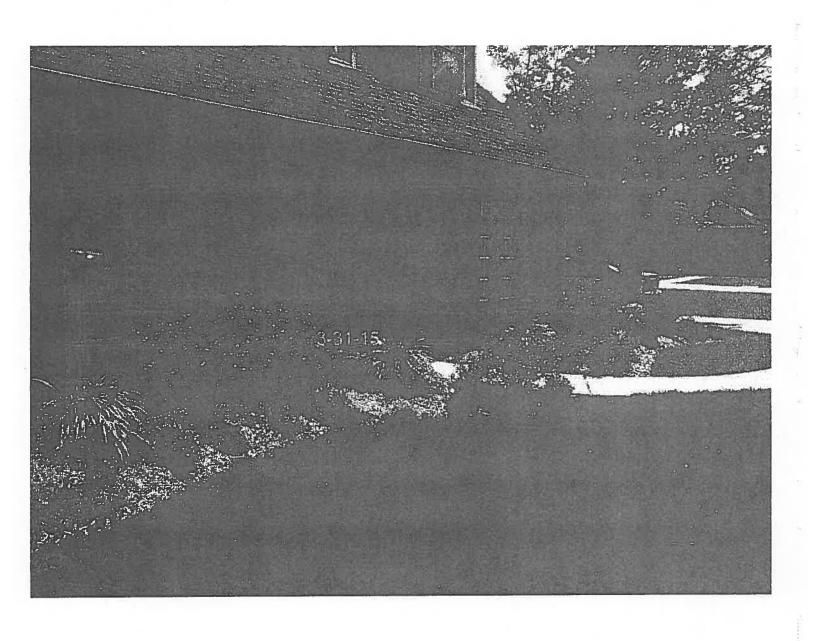


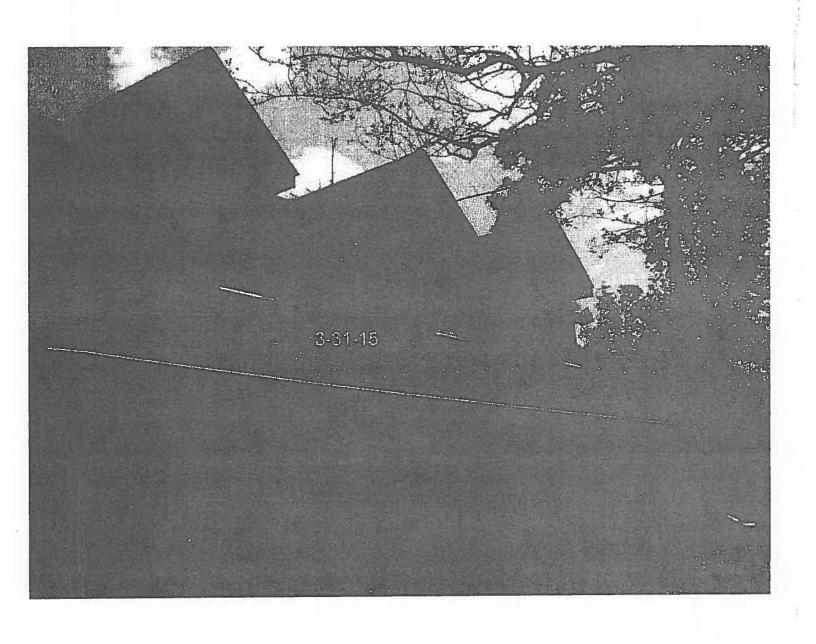
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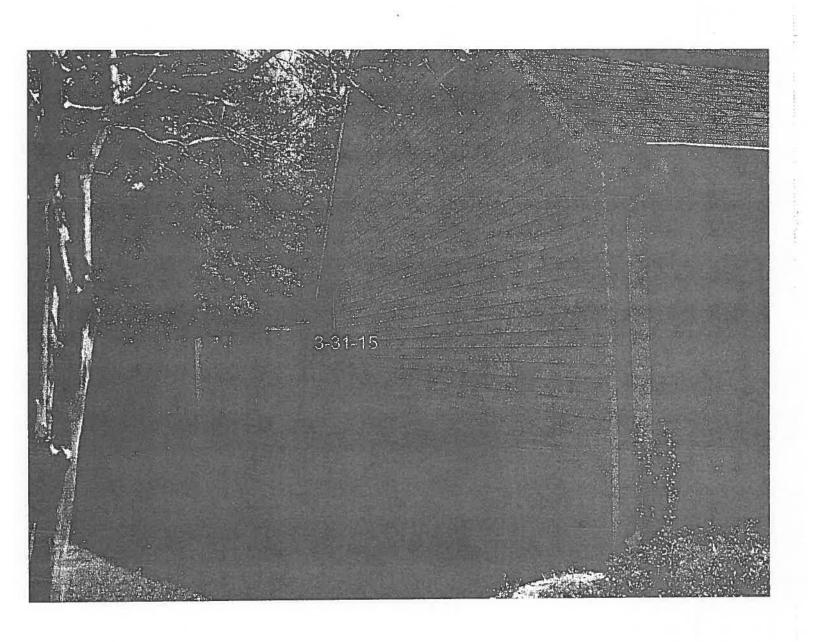


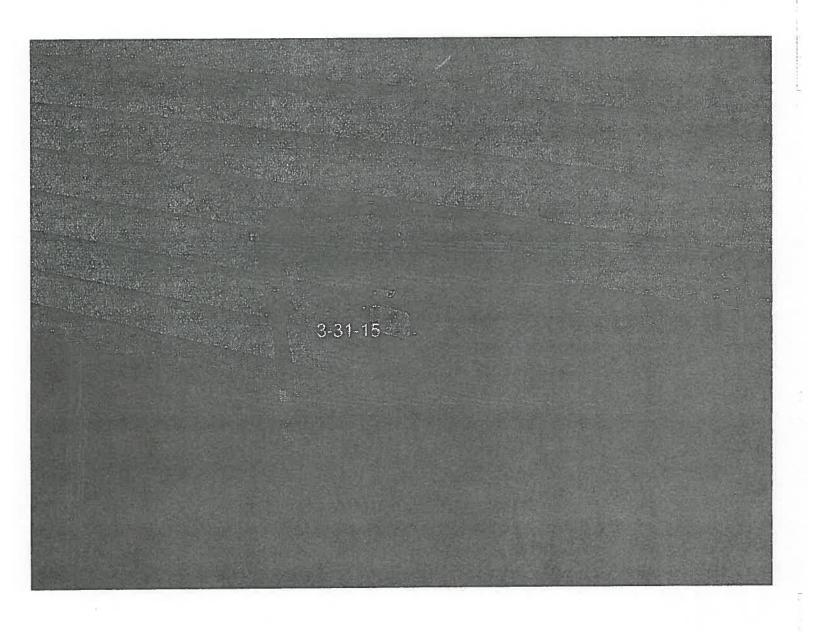




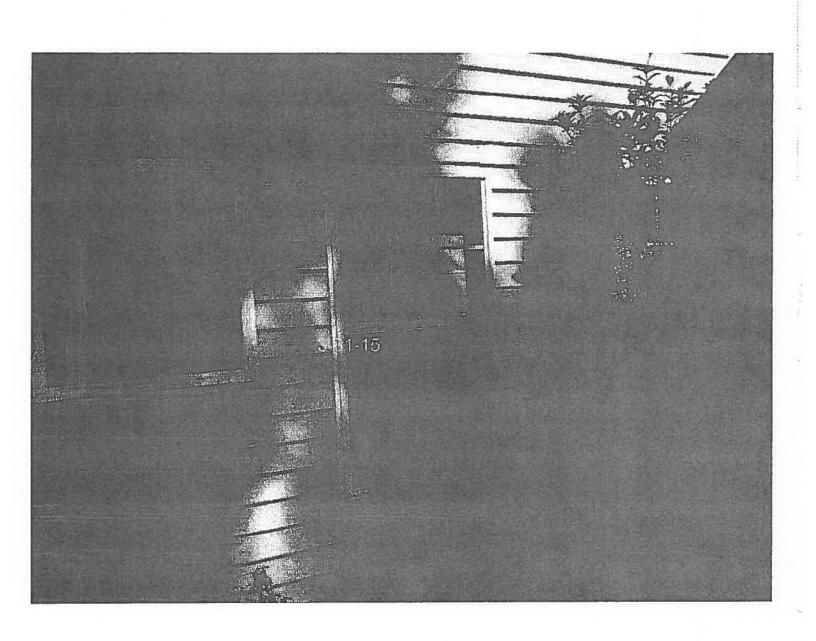




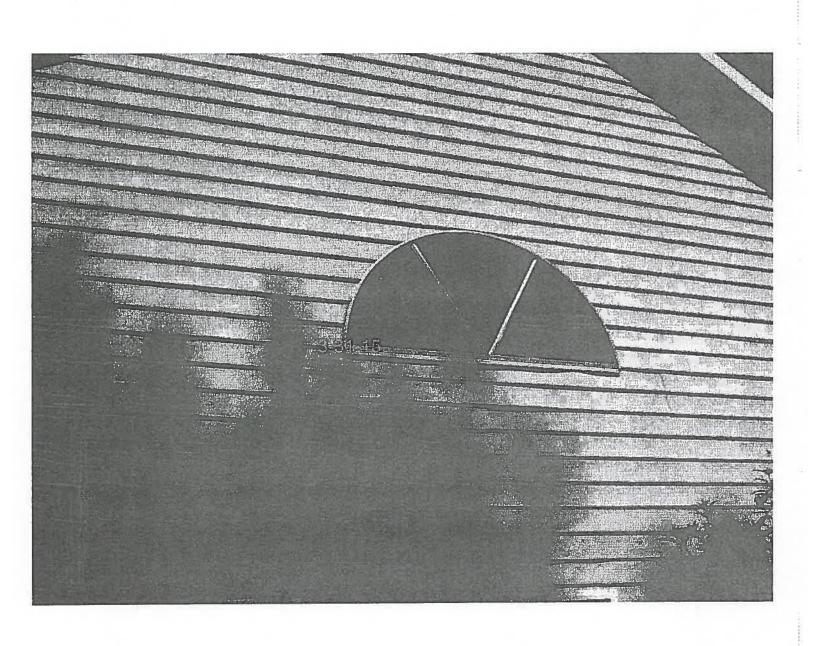


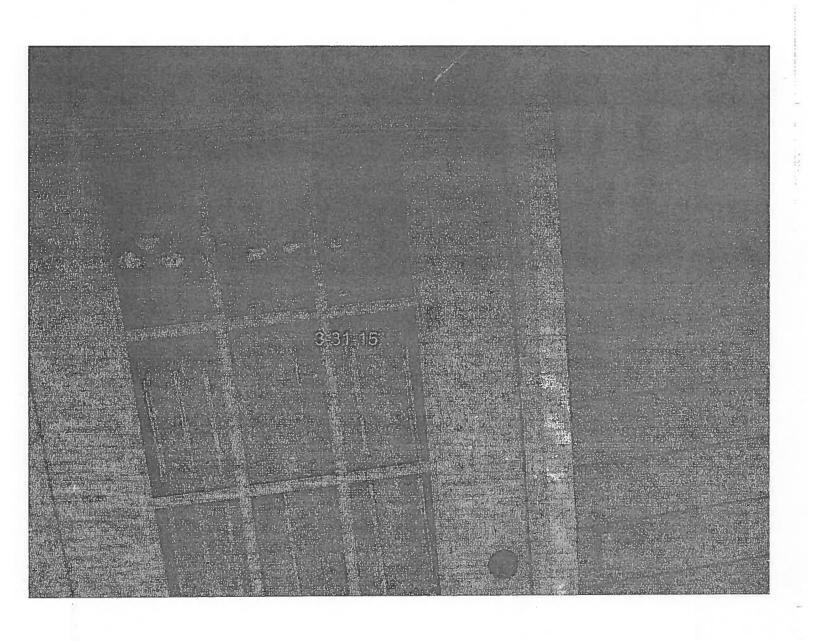


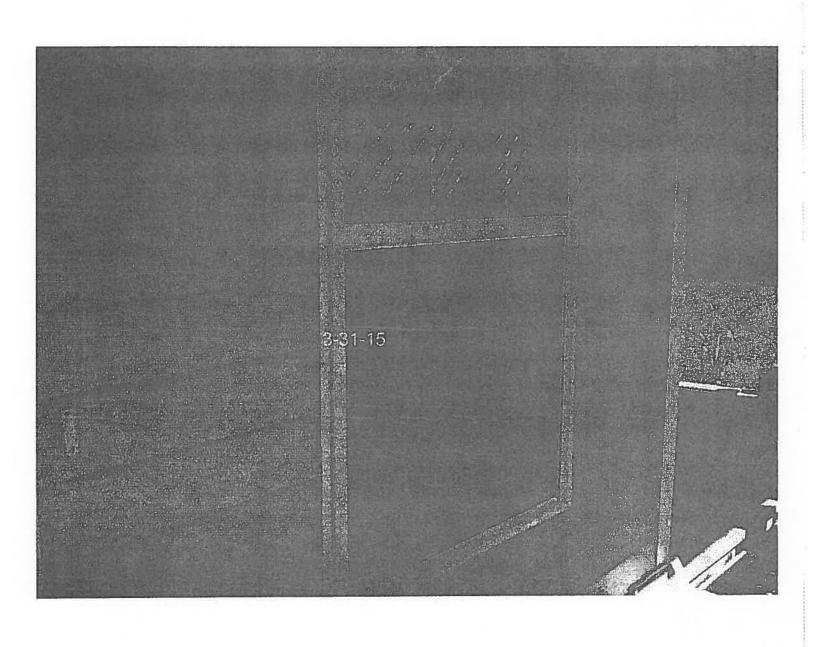


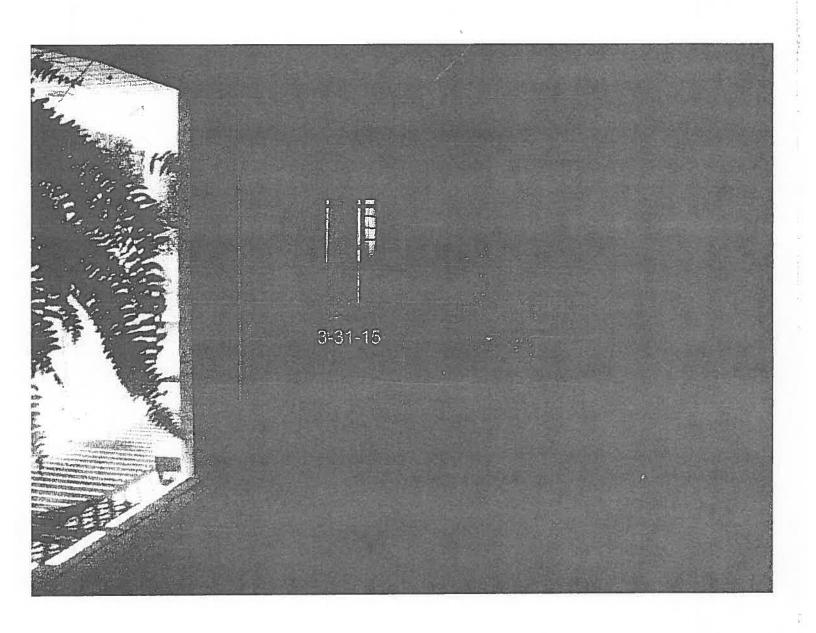


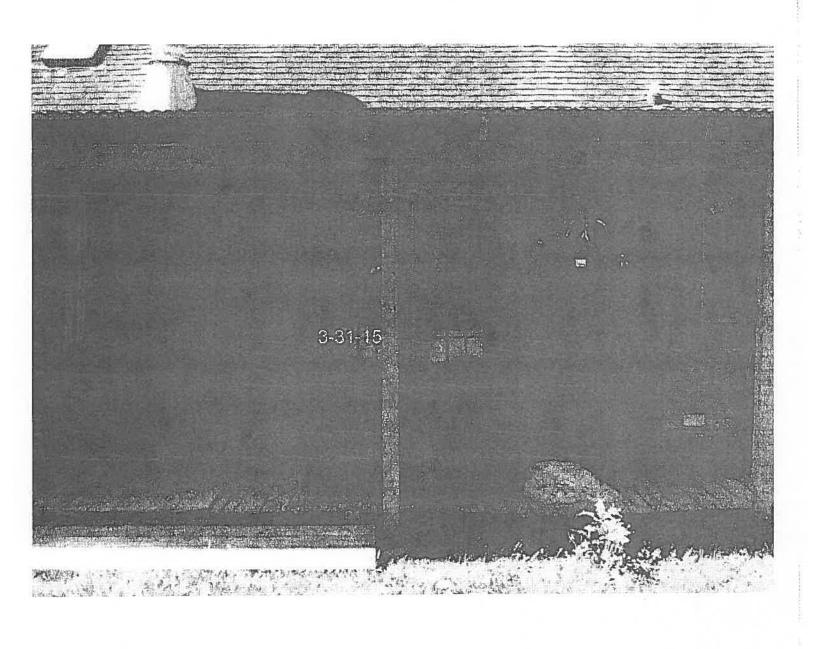
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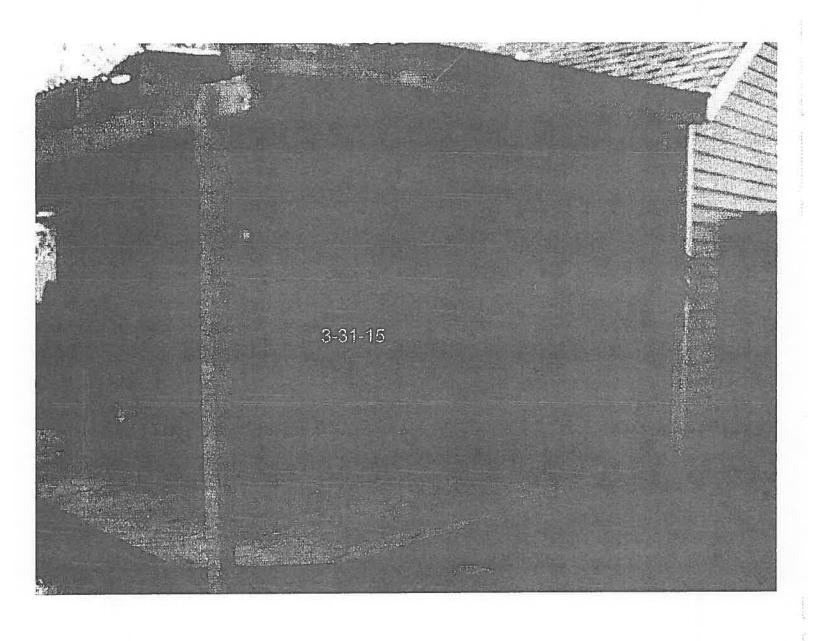


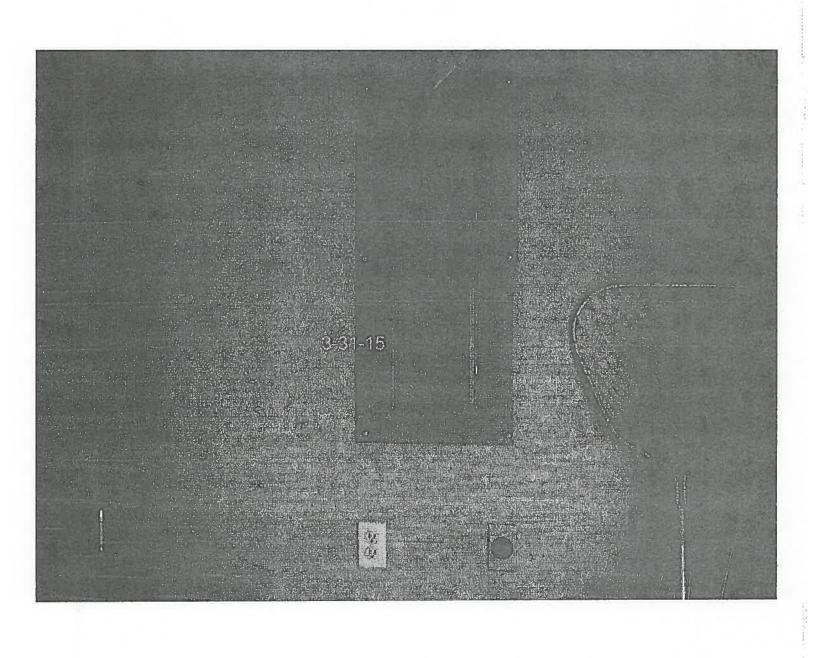


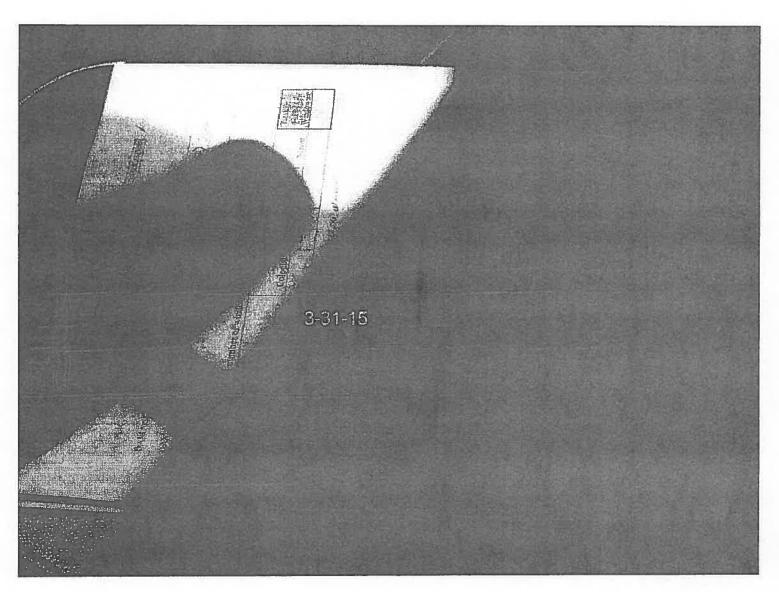












THE PERSON OF REAL PROPERTY.



State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 • hazardmitigation@mitigatela.org 2015-13032

JUL 2 8 2015

MALISE PRIETO-CLERK De**SICONNIE GENNAR**O

7/9/2012

Jacob Thonn Marilyn Thonn 122 Royal Oak Dr. Slidell, LA 70460

Road Home ID: 06HH198328

SUBJECT: Verification of Mitigation Grant Funds

Dear Jacob Thonn and Marilyn Thonn:

A review has been completed on your Hazard Mitigation grant file in order to confirm you received the correct amount of grant funds. The grant requires that the homeowner meet specific requirements listed in the Alternative Payment Option Affidavit and Agreement. Failure to satisfy the conditions listed in the Alternative Payment Option Affidavit and Agreement and the OCD-DRU HMGP Covenant will place you in default of this agreement. In hopes that your input may prevent the need to seek a return of grant funds, please review the information below for accuracy and provide additional documentation as necessary.

Our review has determined that the following apply to your IMM grant:

Homeowner did not comply with all HMGP regulations as set forth by OCD-DRU, GOHSEP and FEMA.

Due to the determination noted above, your grant values have been adjusted:

HMGP Grant Funds Receiv	A Control of the Control	Adjusted HMGP Values	Actually a project of the first and the firs
The second secon		The state of the s	the first of the property of the first
Elevation Grant	0.00	Elevation Grant	0.00
Individual Mitigation Measures Grant	7,500.00	Individual Mitigation Measures Grant	0.00
Reconstruction Grant	0.00	Reconstruction Grant	0.00
Total IMGP Funds Received	7,500.00	Total Hazard Mitigation Benefit	0.000

Based on the calculations above, our records indicate that the overpayment of your Hazard Mitigation Grant 06HH198328 is \$7,500.00.



RE: Road Home ID: 06HH198328 Jacob Thonn Marilyn Thonn 122 Royal Oak Dr. Slidell, LA 70460

Please understand that the State of Louisiana remains committed to ensuring that your application was processed in an accurate and fair manner, and in accordance with all governing laws, rules, and policies. We have assigned Dwayne Manogin, a case manager in our office, to work with you in connection with this request for input. If you believe that the reason(s) stated above for the change of your grant amount is wrong, we need you to provide information for our consideration that shows the above finding is incorrect. Please return ATTACHMENT 1 (page 3 of this letter) with all supporting documentation to OCD for a final review.

Your response must be postmarked within Thirty (30) days of the date at the top of this notification letter. If you have additional questions regarding this letter, please call 225-330-0774 or send email to dwayne.manogin@mitigatela.org for assistance.

If you agree with the finding that an overpayment has occurred, you can return the funds as provided in Attachment 1. If you are unable to provide a full payment at this time, please contact your case manager for further instructions.

We appreciate your assistance in connection with this request. Failure to respond will be interpreted as your confirmation of this calculation and determination, and may result in additional collection activities.

Sincerely,

Office of Community Development - HMGP

Attachment 1

THIS FORM MUST BE SIGNED BY THE BELOW NAMED APPLICANT AND RETURNED BY MAIL TO THE OFFICE OF COMMUNITY DEVELOPMENT ON OR BEFORE ___DATE___

RE: Road Home ID: 06HH198328	
Jacob Thonn Marilyn Thonn 122 Royal Oak Dr. Slidell, LA 70460	
Please select one (1) option below. This form must be returned within thirty (30) days of the date on this letter.	
I have elected to return the overpayment to the Office of Community Development, Disaster Recovery Unit. I have enclosed my certified check, made payable to "Louisiana Division of Administration - DRU", in the Amount of \$7,500.00 mailed to:	
Division of Administration	
Office of Community Development	
Hazard Mitigation Grant Program Finance Department	
P.O. Box 706	
Baton Rouge, Louisiana 70821	
I agree with the finding that an overpayment has occurred but cannot make full payment at this time. Please have my case manager contact me. My proposed repayment plan is attached. I disagree with the finding of an overpayment of my Hazard Mitigation grant and have enclosed supporting documents. The following factors used to calculate my award are incorrect:	:,
SIGNED:	
PRINTED:	
I am not the primary applicant for this case. If checked, please state your relationship:	
DATE:	
Dwayne Manogin	

(Domestic Mail Only; No in For delivery information visit	our weballe at www.uspe.com.
T. OFFIC	LAE NE DE
Finding Face of Fent Finding Face of Fent (Continued Face of Fent (Continued Face of Fent (Forder Section Continued) Ford Partispe & Force \$	Potentials, there
Son to Sacob T Show you was Jacob T To the then the 122 Ra	hon/Marilyn
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you.	COMPLETE THIS SECTION ON DELIVERY A SIgnature XMauly R Ikan Addressee
SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the maliplece, or on the front if space pennits. Article Addressed to: 1. Article Addressed to:	COMPLETE THIS SECTION ON DELIVERY A Signature XIM C. J. D. T.D. Against
SENDER: GOMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the malipleoe, or on the front if space pamilts. Article Addressed to: Include Unions	COMPLETE THIS SECTION ON DELIVERY A Signature XMaily L John Againt B. Sacrives-by Printed Name) C. Date of Dolivery D. is delivery address different from these so



State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 • hazardmitigation@mitigatela.org

Begond notice

2015-13032

JUL 2 3 2015

MALISE PRIETO-CLERK
Depu**S/CONNIE GENNARO**

8/17/2012

Jacob Thonn Marilyn Thonn 122 Royal Oak Dr. Slidell, LA 70460

Road Home ID: 06HH198328

SUBJECT: Verification of Mitigation Grant Funds

Dear Jacob Thonn and Marilyn Thonn:

A letter was sent to the address listed above on 07/09/2012. The letter was sent to notify you that your Hazard Mitigation grant file was reviewed in order to confirm you received the correct amount of grant funds. The grant requires that the homeowner meet specific requirements listed in the Alternative Payment Option Affidavit and Agreement. Failure to satisfy the conditions listed in the Alternative Payment Option Affidavit and Agreement and the OCD-DRU HMGP Covenant will place you in default of this agreement. In hopes that your input may prevent the need to seek a return of grant funds, please review the information below for accuracy and provide additional documentation as necessary.

Our review has determined that the following apply to your IMM grant:

Homeowner did not comply with all HMGP regulations as set forth by OCD-DRU, GOHSEP and FEMA.

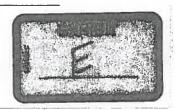
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Total AMGP Funds Received	\$7,500.00	Total Hazard Mitigation Benefit	\$0.00

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2015

AN EQUAL OPPORTUNITY EMPLOYER



RE: Road Home ID: 06HH198328

Jacob Thonn Marilyn Thonn 122 Royal Oak Dr. Slidell, LA 70460

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Office of Community Development

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Dwayne Manogin



State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

2021 LAKESHORE DRIVE, SUITE 100, NEW ORLEANS, LA 70122 • PHONE: 504-284-4020

April 13, 2015

2015-13032

JUL 2 3 2015

MALISE PRIETO-CLERK SICONNIE GENNARO

06HH198328 JACOB THONN 122 ROYAL OAK DRIVE SLIDELL LA 70460

Re: Collection of Outstanding Debt in the Amount of \$7,500.00

Dear JACOB THONN:

This letter is pursuant to your agreement to voluntarily participate in the State of Louisiana's Hazard Mitigation Grant Program ("HMGP") and to comply with all HMGP and Federal Emergency Management Agency ("FEMA") rules and guidelines, which includes the proper use of Federal grant funds for the mitigation of your home located at 122 ROYAL OAK DRIVE SLIDELL.

You have been notified on multiple occasions via demand letters about your debt owed to HMGP in the amount of \$7,500.00. However, you have continuously disregarded these notices. You have also been given the opportunity to execute a re-payment agreement which would allow you to satisfy your debt within an agreed upon timeframe and at an agreed monthly amount. However, as of this date, you have failed to and/or refused to execute a re-payment agreement.

If payments have been paid pursuant to a payment agreement, then you should immediately contact the Program to verify the amount currently owed to the Program.

Please know that litigation and/or prosecution will be instituted against you for the collection of your unresolved debt.

Sincerely,

La Koshia R. Roberts Attorney for HMGP

- toberts

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1.560	(Domestic Mail C	D MAIL: REC Only; No Insurance C	overage Provided)	
כנאת תססס סינכס	Perstagn Cartilled Fee Return Receipt Fee (Endorsement Required) Restricted Dollvory Fee (Endorsement Required)	\$	Postmark Here	
7074	Sint Jacob Thorn Sired Apr. No.: 122 Royal Oak Dr. Gip, Chain, Filled LA 70460 PS Form 3800, August 2005 See Reverse for Instructions			

DOMPLETE THIS SECTION ON DELIVERY
A. Signature X Agent Addressee B. Received by (Printed Name) C. Date of Delivery Y-1 D. is delivery address different from item 1? Yes If YES, enter delivery address below:
3. Service Type ☐ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery
4. Restricted Delivery? (Extra Fee) ☐ Yes
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